

---

## 2.1 Stakeholder and Tribal Involvement

*D. G. Black*

Many entities have a role in DOE's new mission of environmental restoration and waste management. These include federal, state, and local regulatory agencies; environmental groups; regional communities; Indian tribes; and private citizens. The following section describes the roles of the principal agencies, organizations, and public in environmental compliance and cleanup of the Hanford Site.

### Regulatory Oversight

Several federal, state, and local government agencies are responsible for enforcing and overseeing environmental regulations at the Hanford Site. These agencies include the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology, Washington State Department of Health, and the Benton County Clean Air Authority. These agencies issue permits, review compliance reports, participate in joint monitoring programs, inspect facilities and operations, and oversee compliance with applicable regulations. The DOE, through compliance audits and its directives to field offices, initiates and assesses actions for compliance with environmental requirements.

EPA is the principal federal environmental regulator. EPA develops, promulgates, and enforces environmental protection regulations and technology-based standards as directed by statutes passed by Congress. In some instances, EPA has delegated environmental regulatory authority to the state or authorized the state program to operate in lieu of the federal program when the state's program meets or exceeds EPA's requirements. For instance, EPA has delegated or authorized enforcement authority to the Washington State Department of Ecology for air pollution control and many areas of hazardous waste management. In other activities, the state program is assigned direct oversight over federal agencies as provided by federal law. For example, the Washington State Department of Health has direct authority under the Clean Air Act to implement its program for regulating radionuclide air emissions at the Hanford Site. Where

regulatory authority is not delegated or authorized to the state, EPA Region 10 is responsible for reviewing and enforcing compliance with EPA regulations as they pertain to the Hanford Site.

Although the State of Oregon does not have direct regulatory authority at the Hanford Site, DOE recognizes its interest in Hanford Site cleanup because of Oregon's location downstream along the Columbia River and the potential for shipping radioactive wastes from the Hanford Site through Oregon by rail, truck, or barge. Oregon participates in the State and Tribal Government Working Group for the Hanford Site, which reviews the Site's cleanup plans.

### The Hanford Federal Facility Agreement and Consent Order

The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) is an agreement among EPA, Washington State Department of Ecology, and DOE for achieving environmental compliance at the Hanford Site with the Comprehensive Environmental Response, Compensation, and Liability Act including the Superfund Amendments and Reauthorization Act remedial action provisions, and with Resource Conservation and Recovery Act treatment, storage, and disposal unit regulation and corrective action provisions. The Tri-Party Agreement 1) defines the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation, and Liability Act cleanup commitments, 2) establishes responsibilities, 3) provides a basis for budgeting, and 4) reflects a concerted goal of achieving regulatory compliance and remediation with enforceable milestones in an aggressive manner. The Tri-Party Agreement was also established with input from the public.

Negotiations to make major changes to the Tri-Party Agreement were conducted in 1993, and a renegotiated agreement was signed by the three agencies in January 1994. Further significant changes were negotiated during 1994 with approval of these changes pending required

public involvement activities. Copies of the agreement and Site Management System progress reports of activities are publicly available for inspection at the DOE Public Reading Room in Richland, Washington, and at information repositories in Seattle and Spokane, Washington, and Portland, Oregon. To get on the mailing list to obtain Tri-Party Agreement information, contact the EPA or DOE directly, or call the Washington State Department of Ecology on 1-800-321-2008. Requests by mail can be sent to:

Hanford Mailing List: Informational Mailings  
P.O. Box 1970 B3-35  
Richland, WA 99352

or

Hanford Update  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

## The Role of Indian Tribes

The Hanford Site is located on land ceded by treaties with the Yakama Indian Nation and the Confederated Tribes of the Umatilla Indian Reservation in 1855. The Nez Perce Tribe has treaty fishing rights on the Columbia River. The tribes reserved the right to fish “at all usual and accustomed places” and the privilege to hunt, gather roots and berries, and pasture horses and cattle on “open unclaimed” land. The Wanapum people are not a federally recognized tribe, and are therefore ineligible for federal programs. However, they have historical ties to the Hanford Site and are routinely consulted regarding cultural and religious freedom issues.

The Hanford Site and its’ environment supports a number of Native American foods, medicines, and sacred places that are important in sustaining tribal cultures. The tribes hope to make use of these resources in the future and want to assure themselves that the Hanford environment is clean and healthy.

The DOE American Indian Policy states, “American Indian Tribal Governments have a special government-to-government relationship with the Federal Government of the United States, defined by history, treaties, statutes, court decisions, and the U.S. Constitution.” In recognition of this government-to-government relationship, DOE and each tribe interact and consult on a direct basis. The

tribes also participate in formal groups such as the State and Tribal Government Working Group, the Hanford Environmental Dose Reconstruction Project’s Native American Working Group as well as informal groups working on issues such as the Columbia River Impact Assessment, land use planning, and cultural resources. The tribes have made presentations for DOE and the contractors on treaty rights, tribal sovereignty, the U.S. Government’s trust responsibility, and the unique status of tribal governments.

The Tribes’ active participation in Hanford plans and activities is guided by DOE’s American Indian Policy. The policy states that among other things, “The Department shall: Consult with Tribal governments to assure that Tribal rights and concerns are considered prior to DOE taking actions, making decisions, or implementing programs that may affect Tribes.” In addition to the American Indian Policy, laws such as the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act require consultation with Tribal governments. The combination of the Treaties of 1855, Federal policy, and laws and regulations provide the basis for Tribal participation in Hanford plans and activities.

DOE provides financial assistance through cooperative agreements with the Yakama Indian Nation, Confederated Tribes of the Umatilla Indian Reservation, and Nez Perce Tribe to support their involvement in the environmental restoration and waste management activities on the Hanford Site.

## Comprehensive Environmental Response, Compensation, and Liability Act Natural Resource Damage Assessment Trustee Activities

The Comprehensive Environmental Response, Compensation, and Liability Act requires the President to appoint federal officials to act on behalf of the public as trustees for natural resources when natural resources may be injured, destroyed, lost, or threatened as a result of a release of hazardous substances. The President appointed the Secretary of Energy as the primary federal natural resource trustee for all natural resources located on, over, or under land administered by DOE.

The National Contingency Plan authorizes state governors to designate a state lead trustee to coordinate all state trustee responsibilities. The National Contingency Plan indicates that Tribal chairmen (or heads of governing bodies) of Indian tribes have essentially the same trusteeship over natural resources belonging to the tribe as state trustees have on behalf of state resources. In addition to DOE, organizations that have been designated as natural resource trustees for certain natural resources at or near Hanford include: the Yakama Indian Nation; the Confederated Tribes of the Umatilla Indian Reservation; the Nez Perce Tribe; the state of Washington represented by the Washington State Department of Ecology and the Washington Department of Fish and Wildlife; the state of Oregon represented by the Oregon Department of Energy; the U.S. Department of Interior represented by the U.S. Fish and Wildlife Service and the Bureau of Land Management; and the U.S. Department of Commerce represented by the National Oceanic and Atmospheric Administration.

DOE has a duty to coordinate with the other natural resource trustees concerning the cleanup of a Comprehensive Environmental Response, Compensation, and Liability Act release. As part of this coordination requirement, DOE meets regularly with the trustees. The objectives of these meetings include the sharing of information about releases of hazardous substances and planned studies and response actions to address those releases. The meetings are further designed to assist the trustees in the determination and mitigation of actual or potential natural resource injuries. The trustees have signed a memorandum of agreement formally establishing the collaborative working group.

## Public Participation

Individual citizens of Washington State and neighboring states may influence Hanford Site cleanup decisions through public participation activities. The public has opportunities to provide their input and influence decisions through many forums, including Hanford Advisory Board meetings, Tri-Party Agreement activities, National Environmental Policy Act public meetings covering various environmental impact statements and environmental assessments, and many other outreach programs.

A Site-wide public involvement strategy outlines the DOE Richland Operations Office commitment to, and plan for, involving the public in decisions. The DOE Office of External Affairs is responsible for establishing the

planning and scheduling for conducting public participation activities for the Hanford Site.

The Tri-Party Agreement provides a means for Hanford to become compliant with environmental regulatory requirements. The Community Relations Plan, a companion to the Tri-Party Agreement, describes how information and involvement activities are conducted for Tri-Party Agreement decisions. The Community Relations Plan was developed and negotiated among DOE, the Washington State Department of Ecology, and EPA Region 10 with public comment and was jointly approved in 1990. The community relations plan is updated on an as-needed basis, the most recent revision occurring in early 1996.

To apprise the public of upcoming opportunities for public participation, the *Hanford Update*, a synopsis of all ongoing and upcoming Tri-Party Agreement public involvement activities, is published bimonthly. In addition, the *Hanford Happenings* calendar, which highlights Tri-Party Agreement scheduled meetings and comment periods, is distributed each month.

Before each activity, the press is informed of the issues to be discussed, and notices are sent to elected officials, community leaders, and special interest groups. A mailing list of approximately 4,500 individuals who have indicated an interest in participating in Hanford decisions is maintained and kept current. The mailing list can also be used to send topic-specific information to those people who have requested it.

Most of Hanford's public resides in Washington, Oregon, and Idaho. To allow them better access to up-to-date Hanford information, four information repositories have been established. They are located in Richland, Seattle, and Spokane, Washington, and Portland, Oregon.

The three parties respond to questions that are received via a toll-free telephone line (1-800-321-2008). Members of the public can request information about any public participation activity and receive a response by contacting the DOE Richland Operations Office of External Affairs.

## Hanford Advisory Board

The Hanford Advisory Board was created in January 1994 to advise DOE on major Hanford cleanup policy questions. The Board is one of 15 such advisory groups created by DOE at weapons production cleanup sites across the

national DOE complex. The Board comprises 32 members that represent a broad cross section of interests: environmental, economic development, tribes and other governments, and the public. Each board member has at least one alternate. Marilyn Reeves, of Amity, Oregon, is the chairperson.

The Board has four committees: 1) Dollars and Sense, which deals with DOE budget issues, 2) Health, Safety, and Waste Management, 3) Environmental Restoration, and 4) the Board's internal executive committee. Committees study issues and develop policy recommendations for Board action.

Early on, the Board adopted and affirmed values developed by two predecessor groups: The Hanford Future Site Use Working Group and the Tank Waste Task Force. The groups advised DOE and Hanford Site cleanup regulators to 1) protect the Columbia River and 2) get on with cleanup. Board members have submitted advice to DOE on a range of issues including budget priorities, environmental restoration, ground-water monitoring and remediation, releases to the Columbia River via the N Springs, worker health and safety, local economic transition issues, and public involvement.

## Hanford Site Technology Coordination Group

In November 1989, DOE's Office of Environmental Restoration and Waste Management was established as the central authority for cleaning up the DOE Complex and preventing further environmental contamination. When the Office of Environmental Restoration and Waste Management found that its mission could not be achieved using existing technologies without incurring unreasonable costs, risks, and/or schedule impacts, it implemented a new approach to environmental research and technology development.

The new approach is focused on five major problem areas (plumes, landfills, tanks, mixed waste, and decontamination and decommissioning) that were targeted for action based on risk, prevalence, and need for technology development to meet environmental regulations. The new approach mandates: 1) directly linking research and development to specific site cleanup needs, and 2) engaging regulators, stakeholders, and potential users in the technology development process.

A Site technology coordination group was created at each DOE site to consolidate technology needs, enhance communications, and provide technology-transfer functions. The Hanford group consists of a management council and four subgroups: 1) plumes and landfills, 2) tanks, 3) mixed waste, and 4) decontamination and decommissioning.

The Management Council is chaired by the DOE Richland Operations Office Deputy Manager, and includes five assistant managers (Tank Waste Remediation System, Environmental Restoration, Waste Management, Facility Transition, and Technology) and representatives from the EPA, the Washington State Department of Ecology, the Hanford Advisory Board, the Yakama Indian Nation, the Nez Perce Indian Nation, and the Confederated Tribes of the Umatilla Indian Reservation. Each of the Hanford contractors has one ex officio member on the Management Council, as do industry and regional economic development interests.

The vision of the Hanford Site Technology Coordination Group is to be an effective decision-making body and a strong, unified voice for technology activities that affect the Hanford Site. Its mission is to:

- Function by involving users, technology providers, regulators, American Indian Tribes, and stakeholders, and by promoting broad information exchange among all interested parties.
- Identify, prioritize, and achieve consensus on Hanford Site problems and technology needs.
- Assess and recommend potential technologies for application at Hanford.
- Facilitate demonstration of innovative, modified, or existing technologies at Hanford or elsewhere and share information with other sites to best leverage technology budgets.
- Advocate implementation of innovative, modified, or existing technologies at Hanford.
- Promote privatization and commercialization.
- Provide input to decision-makers on Hanford's highest-priority technology needs to ensure critical needs are funded.